IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2269 OF 2005

Navnath Mahadeo Masal .. ..Petitioner

Versus

The President, Shri Chatrapati
Education Society & Ors.

Mr.N.R.Bubna for petitioner

Mr.A.M.Joshi for resondent no.1

CORAM : P.V.KAKADE, J.

DATE : 23RD MARCH 2006

P.C.:

1. Heard both sides. Perused the record.

2. The Petitioner has challenged the Order dated 23rd September, 2004 passed by Presiding Officer, School Tribunal, Pune dismissing the application of petitioner for condonation of delay of more than four years in preferring appeal which was presented on 4.7.2003 from

the date of his alleged "otherwise termination" on 21.4.1999.

3. The petitioner challenged the oral termination order dated 21.4.1999 in appeal. The appeal should have been filed on or before 20.5.1999, however, it was filed on 4.7.2003. The ground mentioned for delay was that the petitioner was ill from 22.4.1997 to 3.7.2003 i.e. the entire period of delay. The Presiding Officer of the Tribunal after hearing both the parties came to the conclusion that the reason given for delay was not at all satisfactory nor was sufficient and as such it was not a fit case to condone the delay. Hence, the present petition.

4. At the outset, it may be noted that the advocate for the petitioner brought to my notice copies of two medical certificates, which show that the petitioner was suffering from "continuous backache" and was advised rest. The Tribunal in its order has referred all these aspects and observed that itis not clear as to what treatment given to the petitioner and it also did not make it clear as to whether the petitioner was outdoor patient or indoor patient during the said period in the

hospital of two doctors, who have certified the illness of back-pain. Moreover, the certificates also show that one certificate is from Medical Practitioner from Bhavaninagar, Indapur, the other one is from Village Bhigwan at Chaufula, Baramati Road. To say the least, I am not at all satisfied regarding the genuineness of the certificates, as it is more than coincidence that the illness of the petitioner appears to have suddenly started on the next day of his alleged termination and he was ill since then till the date prior to filing of the appeal.

5. Be as it may, the fact remains that no interference is called for in the order passed by the Presiding Officer, School Tribunal, Pune, who has rejected the application for condonation of delay. Under the circumstances, I do not see any reason to entertain the petition and it stands dismissed with no order as to costs.